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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 WAYMO LLC,

13 Plaintiff,

14 vs.

15 UBER TECHNOLOGIES, INC.;  
16 OTTOMOTTO LLC; OTTO TRUCKING  
LLC,

17 Defendants.

CASE NO. 3:17-cv-00939-WHA

**PLAINTIFF WAYMO LLC'S  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL PORTIONS OF ITS  
OPPOSITION TO OTTO TRUCKING'S  
MOTION TO COMPEL A SECOND  
DEPOSITION OF LARRY PAGE**

Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully requests to file under seal portions of the Exhibits in support of its Opposition to Otto Trucking’s Motion to Compel a Second Deposition of Larry Page (“Waymo’s Opposition Exhibits”). Specifically, Waymo requests an order granting leave to file under seal the portions of the document as listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Exhibits 1-7	Entire documents	Waymo
Exhibits 8-9	Highlighted portions	Defendants (portions highlighted in blue)
Exhibit 11	Entire document	Waymo (portions highlighted in green); Defendants

## **I. LEGAL STANDARD**

Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.* In the context of non-dispositive motions, materials may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c). *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1135, 1138 (9th Cir. 2003)).

## **II. THE COURT SHOULD SEAL WAYMO’S CONFIDENTIAL INFORMATION**

The Court should seal the portions of Waymo’s Opposition Exhibits (Exhibits 1-7 and 11 (portions highlighted green)) identified by Waymo in the table above. Waymo seeks to file this information under seal because it discloses Waymo’s confidential business information. *See* Declaration of Lindsay Cooper (“Cooper Decl.”) ¶¶ 3-5. Confidential business information that, if released, may “harm a litigant’s competitive standing” merits sealing. *See Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598-99 (1978). Waymo seeks to seal confidential business information that fits squarely within this categories. Cooper Decl. ¶¶ 3-5. Waymo has narrowly tailored its

1 requests to only information meriting sealing. *Id.* ¶ 5. In fact, both *Music Group* and *Brocade* found  
 2 the confidential information at issue in those cases met the heightened “compelling reasons” standard  
 3 for sealing. *Music Grp.*, 2015 WL 3993147, at \*1; *Brocade*, 2013 WL 211115, at \*1, \*3. The  
 4 information that Waymo seeks to seal, therefore, also meets this heightened standard. The disclosure  
 5 of Waymo’s confidential business information would harm Waymo. Cooper Decl. ¶ 4. Thus, the  
 6 Court should grant Waymo’s administrative motion to seal.

7 **I. DEFENDANTS’ CONFIDENTIAL INFORMATION**

8 Waymo seeks to seal the portions of Exhibits 8-9 (portions highlighted in blue) only because  
 9 Defendants have designated the information confidential. Cooper Decl. ¶ 6. Waymo additionally files  
 10 Exhibit 11 provisionally under seal because Defendants’ deadline to designate material as confidential  
 11 has not passed with respect to this deposition transcript. Waymo takes no position on the merits of  
 12 Defendants’ sealing requests, and expects Defendants to file one or more declarations to support  
 13 sealing in accordance with the Local Rules.

14 **III. CONCLUSION**

15 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the  
 16 above listed documents accompany this Administrative Motion. For the foregoing reasons,  
 17 Waymo respectfully requests that the Court grant Waymo’s administrative motion to file under  
 18 seal.

19  
 20 DATED: August 7, 2017

QUINN EMANUEL URQUHART & SULLIVAN,  
 LLP

21  
 22 By /s/ Charles Verhoeven

Charles Verhoeven  
 Attorneys for WAYMO LLC